

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID McCHESNEY,

Plaintiff,

v.

9:08-CV-0563

MICHAEL HOGAN, DONALD SAWYER, DR.
TERRI MAXYMILLIAN, JEFFREY NORWICKI,
BILL OWENS, COREY CONNELLY, CHARMINE
BILL, REGINA ANDERSON and THE
TREATMENT TEAM,

Defendants.

APPEARANCES:

DAVID McCHESNEY
#25527
CNY Psychiatric Center
PO Box 300
Marcy, NY 13403-0300
Plaintiff, *pro se*

HON. ANDREW M. CUOMO
Office of Attorney General
State of New York
The Capitol
Litigation Bureau
Albany, NY 12224-0341
Counsel for Defendants

OF COUNSEL:

DEAN J. HIGGINS, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 11th day of August 2010. Following 14 days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

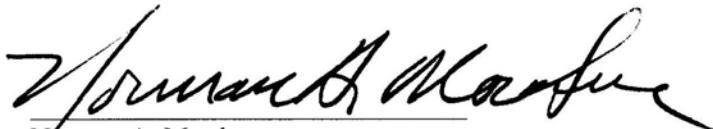
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Defendants' motion for summary judgment (Dkt. No. 34) is granted, and that plaintiff's complaint in this action is dismissed in all respects, with leave to replead.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: September 2, 2010
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge

v

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